

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re: Danyelle Thornton) **17 B 05275**
)
Debtor(s)) **Judge Timothy A. Barnes**

Notice Of Motion/ Certificate Of Service

Danyelle Thornton
6734 S. Chappell Ave. Apt 3A
Chicago, IL 60649
Via U.S. Mail

Upright Law LLC
Via ECF noticing procedures

On August 8, 2019 at 9:00 AM I will appear in:

Courtroom 744
219 S Dearborn St
Chicago, IL 60604

and present this Motion, a copy of which is hereby served upon you.

I certify under penalty of perjury that I mailed a copy of this notice to the above listed persons by first class US mail, postage prepaid, or as otherwise listed on July 3, 2019.

/s/ O. Anthony Olivadoti
for Marilyn O Marshall, Trustee

Office of the Chapter 13 Trustee
Marilyn O Marshall
224 South Michigan Ave.
Suite 800
Chicago, Illinois 60604
312-431-1300

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In Re: Danyelle Thornton) **17 B 05275**
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Motion to Modify Plan

NOW COMES Marilyn O. Marshall, Standing Trustee, and requests that the Debtors' confirmed Chapter 13 Plan be modified pursuant to 11 USC Section 1329, and in support thereof states as follows:

1. The Debtor filed for relief pursuant to Chapter 13 on February 23, 2017.
2. On June 8, 2017, the Debtor's plan was confirmed. The Order confirming the Debtor's Chapter 13 plan requires the Debtor make plan payments in the amount of \$750.00 for a term of 60 months. The plan also provided that the unsecured creditors receive a minimum of 10% of their allowed claims.
3. The Debtor's confirmed plan requires the Debtor to tender copies of tax returns and federal tax refunds in excess of \$1,200.00 as an additional payment to the Trustee on an annual basis.
4. On the Debtor's Schedule I, the monthly gross income is \$4,279.18, which equates to a total of \$51,350.16.
5. According to the 2017 tax return, the adjusted gross income was \$87,555.00, which equates to an increase in monthly income from \$4,279.18 on Schedule I to \$7,296.25.
6. The Debtor's schedule I states that the debtor was withholding taxes due to owing and the 2017 taxes show minimal withholdings for taxes.
7. The Debtor therefore has an additional \$3,017.07 in disposable income that should be committed to the Debtor's plan payments.
8. The Debtor has not to date asked this Court to increase the plan payments for the benefit of creditors while his household income has significantly increased.

9. The Debtor's post-petition wages are property of the bankruptcy estate pursuant to 11 U.S.C. §1306.
10. The Trustee has not received the final payments on this case and at filing there remains a balance due of approximately \$24,349.27.

WHEREFORE, the Trustee prays that the Debtor's plan be amended to increase the Debtor's plan payments from \$750.00 to \$2,861.00 per month and increase the percentage to be paid to unsecured creditors to 100%.

Respectfully submitted,

/s/ O. Anthony Olivadoti
for Marilyn O Marshall, Trustee

Office of the Chapter 13 Trustee, Marilyn O. Marshall
224 South Michigan Ave., Suite 800
Chicago, Illinois 60604
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